

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN T. O'NEILL,)	
Plaintiff,)	
)	
vs)	Civil Action No. 05-1338
)	
JOHN W. SNOW,)	
Secretary of the Treasury)	
Defendant.)	

O R D E R

AND NOW, this 24th day of May, 2006, after the plaintiff filed a complaint in the above-captioned case, and after the defendant submitted a motion to dismiss the complaint or, in the alternative, for summary judgment, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendant's motion to dismiss or, in the alternative, for summary judgment (Docket No. 6), treated as a motion for summary judgment, is denied.

/s/ Joy Flowers Conti
United States District Judge

cc: All Counsel and Parties of Record

Honorable Robert C. Mitchell
United States Magistrate Judge